

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one)

☒ original
☐ design

(check one, if applicable)

☐ national stage of PCT
☐ supplemental

☐ divisional
☐ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SURGICAL STAPLING DEVICE

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
(b) ☒ was filed on October 13, 2000 as ☒ Serial No. 09/687,815
or ☐ Express Mail No., as Serial No. not yet known,
and was amended _____ (if applicable).
(c) ☐ was described and claimed in PCT International Application No. _____ filed
on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

FOREIGN PRIORITY CLAIM

☐ I hereby claim foreign priority benefits under Title 35, U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

| COUNTRY | APPLICATION NO. | DATE OF FILING (month, day, year) | PRIORITY CLAIMED UNDER 35 USC 119 |
|---------|-----------------|--------------------------------------|--------------------------------------|
|---------|-----------------|--------------------------------------|--------------------------------------|

☐ YES ☐ NO

☐ YES ☐ NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120

☐ I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §120, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Prior U.S. Application(s) or PCT International Application(s) Designating the U.S. For Benefit Under 35 U.S.C. §120.

U.S. APPLICATIONS

Serial No.

Filing Date

Status
(issued, pending
or abandoned)

PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.

PCT filing date

U.S.
Serial
Nos. assigned
(if any)

Status
(patented,
pending,
abandoned)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

DAVID KORIS, Reg. No. 30,908; DOUGLAS E. DENNINGER, Reg. No. 31,752; PAUL AUDET, Reg. No. 26,439; MARK FARBER, Reg. No. 34,159; and LAWRENCE CRUZ, Reg. No. 36,385 each of them of United States Surgical, a division of TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856.

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. 32,978; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; JEFFREY S. STEEN, Reg. No. 32,063; JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816; RUSSELL R. KASSNER, Reg. No. 36,183; FRANK CHAU, Reg. No. 34,136; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; JAMES M. LOEFFLER, Reg. No. 37,873; WILLIAM E. LEWIS, Reg. No. 39,274; JOHN G. TUTUNJIAN, Reg. No. 39,405; JAMES J. BITETTO, Reg. No. 40,513; and MARK S. LEONARDO, Reg. No. 41,433, each of them of DILWORTH & BARRESE, 333 Earle Ovington Boulevard, Uniondale, New York 11553.

Send Correspondence to

Direct Telephone Calls To:
(Name and telephone number)

Paul Audet, Esq.
United States Surgical, a division of
TYCO HEALTHCARE GROUP LP
150 Glover Avenue
Norwalk, Connecticut 06856

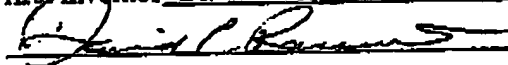
Paul Audet, Esq.
(203) 845-1480

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor David C. Racenet

Inventor's signature 

Date 01/02/01 Country of Citizenship USA

Residence: 1153 Bullet Hill Road 157 NORTHFIELD Rd.

Post Office Address Southbury Connecticut 06488 LITCHFIELD, CONNECTICUT 06759

[x] Check here for added signature pages for third and subsequent inventors. Number of added pages is _____

Full name of second inventor Timothy N. Wells

Inventor's signature 

Date 01/02/01 Country of Citizenship

USA

Residence: 11 Quince Court 10 CARPENTER CLOSE

Post Office Address Ridgefield, Connecticut 06677

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| Application No. | Filing Date | First Named Inventor | Atty. Docket No. |
|-----------------|-------------------|----------------------|------------------|
| 09/687,815 | October 13, 2000 | Racenet et al. | 2666 |
| 09/693,379 | October 20, 2000 | Bayer et al. | 2671 |
| 10/041,541 | October 24, 2001 | Middleton et al. | 2673 |
| 09/988,888 | November 19, 2001 | Viola | 2675 |
| 60/253,578 | November 28, 2000 | Orban | 2676 PRO |
| 10/004,969 | December 3, 2001 | Bresina | 2678 |
| 10/033,951 | December 22, 2001 | Martinek | 2679 |
| 09/778,179 | February 7, 2001 | Magana | 2682 |
| 60/263,891 | January 24, 2001 | Orban et al. | 2684 PRO |
| 60/271,793 | February 27, 2001 | Emmons | 2685 PRO |
| 60/267,251 | February 8, 2001 | Heinrich et al. | 2686 PRO |
| 09/790,043 | February 21, 2001 | Middleton | 2687 |

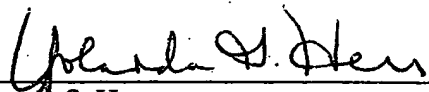
CERTIFICATE OF MAILING

Date of Deposit: March 7, 2002

I hereby certify that the following:

- ☒ This Certificate of Mailing
- ☒ Revocation of Power of Attorney or Authorization of Agent; and
Appointment of New Power and Change of Correspondence Address
- ☒ Return postcard

are being deposited with the United States Postal Service first-class mail on the Date of Deposit indicated above in an envelope addressed to the Asst. Commissioner of Patents and Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231.


Yolanda S. Herr

U.S. SURGICAL, a division of
Tyco Healthcare Group LP
150 Glover Avenue
Norwalk, CT 06856
(203) 845-1855

203-2709

**REVOCATION OF POWER OF
ATTORNEY OR AUTHORIZATION OF
AGENT; AND APPOINTMENT OF NEW
POWER AND CHANGE OF
CORRESPONDENCE ADDRESS**

| | |
|------------------------|------------------|
| Application Number | 09/687,815 |
| Filing Date | October 13, 2000 |
| First Named Inventor | Racenet et al. |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 2666 |

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application and appoint the following attorney(s) to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith.

DAVID M. CARTER, Reg. No. 30,949; PETER DELUCA, Reg. No. 32,978; RAYMOND E. FARRELL, Reg. No. 34,816; JOSEPH W. SCHMIDT, Reg. No. 36,920; JEFFREY S. STEEN, Reg. No. 32,063, RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; EDWARD C. MEAGHER, Reg. No. 41,189; FRANCESCO SARDONE, Reg. No. 47,918; each of them of CARTER, DELUCA, FARRELL and SCHMIDT, LLP, 445 Broad Hollow Road, Suite 225, Melville, New York 11747; and DAVID KORIS, Reg. No. 30,908; DOUGLAS E. DENNINGER, Reg. No. 31,752; PAUL AUDET, Reg. No. 26,439; MARK FARBER, Reg. No. 34,159; LAWRENCE CRUZ, Reg. No. 36,385; each of them of UNITED STATES SURGICAL, A DIVISION OF TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856.

AND Please change the correspondence address for the above-identified application to:

| | | | | | |
|------------|---|-------|----------------|-----|-------|
| Firm Name: | United States Surgical, a Division of Tyco Healthcare Group, LP | | | | |
| Address | 150 Glover Avenue | | | | |
| Address | | | | | |
| City | Norwalk | | | | |
| Country | US | State | Connecticut | ZIP | 06856 |
| Telephone | (203) 845-1000 | Fax | (203) 845-4356 | | |

I am the:

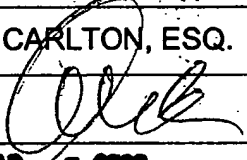
☐

Applicant/Inventor.

☒

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

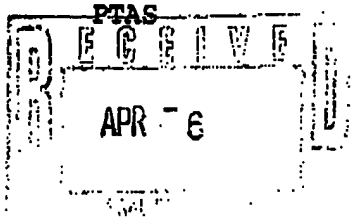
| | |
|-----------|---|
| Name | ALAN R. CARLTON, ESQ. |
| Signature |  |
| Date | MAR 5 2002 |
| | |
| | |



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APRIL 03, 2001

TYCO HEALTHCARE GROUP LP
PAUL AUDET
U.S. SURGICAL DIVISION
150 GLOVER AVENUE
NORWALK, CT 06856



101594494A



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/19/2001

REEL/FRAME: 011446/0933
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS) ..

ASSIGNOR:

RACENET, DAVID C.

DOC DATE: 01/02/2001

ASSIGNOR:

WELLS, TIMOTHY N.

DOC DATE: 01/02/2001

ASSIGNEE:

TYCO HEALTHCARE GROUP LC
150 GLOVER AVENUE
NORWALK, CONNECTICUT 06856

SERIAL NUMBER: 09687815
PATENT NUMBER:

FILING DATE: 10/13/2000
ISSUE DATE:

2666

JEFFREY OLSEN, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

01-26-2001

U.S. Department of Commerce
Patent and Trademark Office



RECORDED

101594494

1-14-2001

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

| | | | |
|---|--|--|--|
| 1. Name of conveying party(ies): (1) David C. Racenet (2) Timothy N. Wells Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | 2. Name and address of receiving party(ies): Name: Tyco Healthcare Group LP 150 Glover Avenue Norwalk, Connecticut 06856 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| 3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: (1) January 2, 2001. | | | |
| 4. Application number(s) or patent number(s): 09/687,815 If this document is being filed together with a new application, the execution date of the application is: _____ | | | |
| A. Patent Application No.(s) 09/687,815 | | B. Patent No.(s) | |
| Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: Paul Audet U.S. Surgical, a division of Tyco Healthcare Group LP 150 Glover Avenue Norwalk, CT 06856 | | 6. Total number of applications and patents involved: [1] | |
| DO NOT USE THIS SPACE (01/24/2001 HWAHOL 00000069 210550 09687815 02 FC:581 40.00 CH) | | 7. Total fee (37 CFR 3.41).....\$40.00 | |
| | | [] Enclosed | |
| | | <input checked="" type="checkbox"/> Authorized to be charged to deposit account | |
| | | 8. Deposit account number: 21-0550 (Attached duplicate copy of this page if paying by deposit account) | |
| 9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Paul Audet 26.439 Name of Person Signing Signature Date January 17, 2001 Total number of pages comprising cover sheet 4 | | | |

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

**David C. Racenet
Timothy N. Wells**

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on _____
Reel _____
Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

**Tyco Healthcare Group LP
150 Glover Avenue
Norwalk, Connecticut 06856**

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest, including the right to sue for present, past and future infringement, in the United States, its territorial possessions, and in all foreign countries, including all treaty and convention rights in and to the invention and any and all improvements entitled:

SURGICAL STAPLING DEVICE

which is described in

- (a) ☐ U.S. patent application executed on even date herewith
- (b) ☐ U.S. patent application executed on _____
- (c) ☒ U.S. application filed on October 13, 2000 under Serial No. 09/687,815.
- (d) ☐ U.S. patent no. _____ issued _____
(also check (e) if foreign application(s) is also being assigned)
- (e) ☒ and any legal equivalent thereof in a foreign country, and, in and to, all United States and foreign Letters Patent, for the full term thereof, to be obtained for said invention by the above application or any continuation, division, renewal, extension or substitute thereof, and as to letters patent any re-issue or re-examination thereof;

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all such Letters Patent to ASSIGNEE:

ASSIGNOR further covenants to promptly provide all pertinent facts and documents known and accessible to ASSIGNOR relating to said invention and said Letters Patent and legal equivalents; to testify as to the same in any interference, litigation or proceeding related thereto; to execute and deliver any and all papers that may be necessary or desirable to perfect the title to said invention or any Letters Patents which may be granted therefor in said ASSIGNEE, its successors, assigns or other legal representatives; to execute any additional or divisional applications for patents for said invention, or any part or parts thereof, and for the reissue of any Letters Patents to be granted therefor; and to make all rightful oaths and do all lawful acts requisite for procuring the same or for aiding therein, all without further compensation, but at the sole expense of ASSIGNEE, its successors, assigns, or other legal representatives.

ASSIGNOR hereby grants ASSIGNEE and Assignee's attorneys the power to insert the Serial No. and/or filing date of the above-described application(s) after such information becomes known to them.

IN WITNESS WHEREOF, I have hereunto set hand and seal.

INVENTORS:


David C. Racenet

Dated: 01/02/01

State of Connecticut

County of New Haven

SS

NORTH HAVEN

Before me this 2nd day of JANUARY 2000,
personally appeared David C. Racenet to me personally known to be the person described in and
who executed the above instrument, and acknowledged to me that he/she executed the same of his
own free will for the purposes therein set forth.

Dorothy C. Sroka

Notary Public
My Commission Expires June 30, 2005

AFFIX SEAL

Timothy N. Wells
Timothy N. Wells

Dated: 01/02/01

State of Connecticut

County of New Haven

SS

NORTH HAVEN

Before me this 2nd day of JANUARY 2000,
personally appeared Timothy N. Wells to me personally known to be the person described in and
who executed the above instrument, and acknowledged to me that he/she executed the same of his
own free will for the purposes therein set forth.

Dorothy C. Sroka

Notary Public
My Commission Expires June 30, 2005

AFFIX SEAL